

FILED

BIMAL KAUR BADWAL,

Plaintiff,

vs.

ABM PARKING SERVICES
FIVE STAR U STREET PARKING LLC
GARAGE A,
RONALD REAGAN WASHINGTON
NATIONAL AIRPORT WASHINGTON
D.C.

Defendant

IN THE UNITED STATES
DISTRICT COURT FOR THE
EASTERN DISTRICT OF
VIRGINIA
ALEXANDRIA DIVISION

2017 JAN -5 P 1:44

CLERK OF DISTRICT COURT
ALEXANDRIA, VIRGINIA

1:17cv21-LO-JFA

COMPLAINT

I, Bimal Badwal am an Asian woman of Indian descent who is 50 years old (DOB [REDACTED] 1966). I was hired by ABM's predecessor Comarco Inc. in July 1994 and continued to work for its successor Aerolink Transportation until ABM took over, and thus has continuously worked for ABM or its predecessors for 22 years – most of my adult life. While the name of the company has changed over the years, the management and employees have remained the same.

My performance has always been exemplary and I have never been disciplined during my entire career. During the last four years when ABM used a numerical performance rating system, I consistently received performance evaluation ratings of "4" and "5," and also received numerous awards for my service. I started out as a cashier and was steadily promoted over the years to the Shift Manager position based on my excellent and reliable performance. One of the previous jobs I successfully performed was Parking Supervisor.

I was wrongfully terminated from my position as a female Shift Manager on duty by ABM Parking Services and Five Star U Street Parking LLC (hereafter collectively referred to as "ABM") on September 7, 2016.

I filed complaint with EEOC shortly after I was terminated and was issued a Right to Sue letter by EEOC.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA
Case No. 17-00021
JFA

U.S. DISTRICT COURT

U.S. DISTRICT COURT

U.S. DISTRICT COURT

U.S. DISTRICT COURT

U.S. DISTRICT COURT

U.S. DISTRICT COURT

U.S. DISTRICT COURT

U.S. DISTRICT COURT

U.S. DISTRICT COURT

U.S. DISTRICT COURT

I, [redacted], do hereby certify that the foregoing is a true and correct copy of the original document as it appears in the records of the [redacted] and that the same has been compared with the original and found to be a true and correct copy of the original.

I, [redacted], do hereby certify that the foregoing is a true and correct copy of the original document as it appears in the records of the [redacted] and that the same has been compared with the original and found to be a true and correct copy of the original.

I, [redacted], do hereby certify that the foregoing is a true and correct copy of the original document as it appears in the records of the [redacted] and that the same has been compared with the original and found to be a true and correct copy of the original.

I, [redacted], do hereby certify that the foregoing is a true and correct copy of the original document as it appears in the records of the [redacted] and that the same has been compared with the original and found to be a true and correct copy of the original.

STATEMENT OF FACTS

September 7, 2016: I was notified that my job was being eliminated and I was being laid off “as the result of the reorganization of the staffing structure of the Parking Operations Department.” The reorganization was supposedly based on the intention of the Metropolitan Washington Airports Authority (MWAA) to turn over the ground floor of Parking Garage A for use by rental car companies “during the second year of [ABM’s] contract which commences on October 1, 2016.” To date, more than three months since I received notice of this supposedly imminent change, there has been no change in the operation of the ground floor of Parking Garage A and my job is now being performed by former subordinates.

Out of five Shift Managers, only two (including myself) were laid off. While I was the only female of the five Shift Managers, I was not offered the option of bumping to another position, as ABM and its predecessors have done in the past when faced with a similar change in the MWAA parking garage. An example of this established past practice occurred in 2006, when MWAA began offering valet parking and at least three Parking Operations Department employees, Dwayne Tisdale (a Shift Manager), Meke Minni (a Shift Manager), and Pritpal Sabharwal (a Parking Supervisor) were transferred to a new Valet Parking operation. When MWAA discontinued Valet Parking, these three managers were transferred back to the Parking Operations Department with no loss of seniority. Subsequently, Mr. Tisdale was promoted to Operations Manager.

After receiving my layoff notice, I contacted Nancy Bryce, ABM’s Human Resources Manager and requested to be transferred to the position of Parking Supervisor held by Helen Gebremichael, but was informed by Ms. Bryce that she “didn’t have an answer” as to why such a transfer could not be accomplished. In fact, there was no reason why I could not have been reassigned to the Parking Supervisor position,¹ consistent with the company’s established past practice, especially since I had previously held this job title and outranked Ms. Gebremichael in seniority. Ms. Gebremichael had only about 6-7 years of service with ABM or its predecessors, compared to mine of 22 years.

Despite the so-called reorganization, none of my direct reports --- who all work in Parking Garage A -- have been laid off. While failing to reassign me, ABM retained a younger employee of another race, Helen Gebremichael (an African-American of Ethiopian descent) who is performing the same duties as me. The majority of employees working for ABM at Washington National Airport are African-Americans of Ethiopian descent as is ABM’s General Manager, Henok Tsehay. The retention of Ms. Gebremichael is consistent with the employment practices of Mr. Tsehay, who has demonstrated a clear bias in hiring African-American of Ethiopian descent.

The same duties previously performed by me are now being performed by Ms. Gebremichael (under age 40). Ms. Gebremichael had been a Parking Supervisor who reported to me. Ms. Gebremichael had only been performing the Parking Supervisor job for less than one

¹ The Parking Supervisor job has been retitled as Customer Service Associate.

year and, unlike me, experienced some difficulties in communicating with customers and resolving customer service issues, a fact which was well known to Operations Manager Dwayne Tisdale.

My duties included supervising the First Shift at Parking Garage A. My office (which I shared with other Shift managers) was located in the Shift Manager Office in Garage B & C. I supervised seven Cashiers, two Parking Supervisors, one Maintenance worker, and one LPI clerk, prepared bank deposits and work schedules for the cashiers, prepared shift reports, monitored parking space availability and the parking ticket machines, prepared incident reports, and responded to customer service issues. I reported to Operations Manager Tisdale.

While the title of Ms. Gebremichael, a Parking Supervisor, was downgraded to "Customer Service Associate," she is nevertheless doing most or all of the duties previously done by me. For example, she is working out of the Shift Manager Office, supervising the First Shift, including the seven Cashiers, one Maintenance worker, and two LPI clerks, preparing bank deposits, preparing shift reports, monitoring parking space availability and the parking ticket machines, preparing incident reports, and responding to customer service issues. Similar to me, she is reporting to Operations Manager Dwayne Tisdale.

ABM's failure to follow its past practice in offering me the position of Parking Supervisor (now retitled as Customer Service Associate), and its retention of the younger Ms. Gebremichael, amount to a prima facie case of race and age discrimination in violation of federal law. The alleged reorganization of Parking Garage A was merely a pretext for terminating me and retaining a younger employee of a different race.

DAMAGES

My Annual Salary was about \$ 44,200 plus benefits. I will lose hundreds of thousands of dollars in salary over the remainder of my working career. I had no intention of leaving ABM, and had planned to serve out my career there until retirement. This unforeseen termination has jeopardized my retirement planning. I am extremely concerned about my future financial well-being.

While my future economic damages will be substantial, I have also suffered emotional distress as a result of ABM's actions. My sense of self-worth and self-confidence has been deeply shaken after 22 years of loyal service. More importantly, I worried about my ability to find comparable-paying employment at my age (50) in this economy.

Jury Trial Demanded.

COMPENSATION

I would like immediately reinstatement to the similar position currently being performed by Helen Gebremichael and compensation of lost back pay from September 7, 2016, minus the amount of unemployment compensation she has received.

If reinstatement is not available, I would like compensation of \$ 663,000 (44,200 X 15 years) in lost salary and 500,000 for compensatory emotional damages totaling to \$1,163,000.00 (One Million One Hundred Sixty-Three Thousand Dollars only).



Bimal K. Badwal
8520 Silverdale Road
Lorton, VA 22079-3067
703-984-9590
bimalbadwal@gmail.com

CERTIFICATE OF COMPLETION

This certifies that

Bimal Badwal

has successfully completed

Security Awareness Training

for

Metropolitan Washington Airports Authority

August 28th 2015

(1 CPE Credit)



**METROPOLITAN WASHINGTON
AIRPORTS AUTHORITY**

Certificate of
APPRECIATION

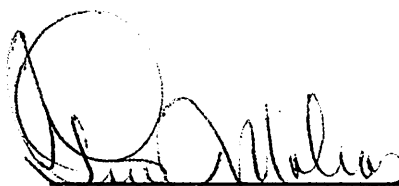
To

Badwal, Bimal Kaur

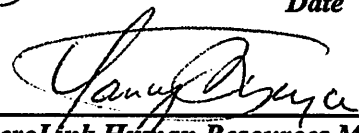
*In recognition of 17 years of faithful and devoted service to the
Parking and Shuttle Bus Concession at Ronald Reagan
Washington National Airport*


AeroLink General Manager

April 2010
Date


AeroLink Department Manager

April 2010
Date


AeroLink Human Resources Manager

April 2010
Date

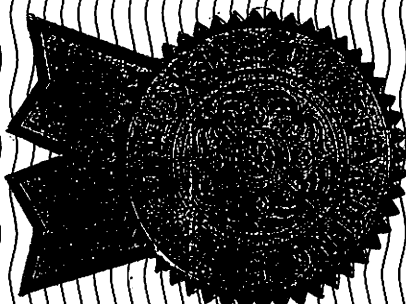
Safety Award


Presented To


Sachwal, Simal Xaur

In Grateful Appreciation For Your Excellent Safety Performance
Accident Free Season 2010

This Certificate Is Awarded By
Aerolink Transportation




Cheryl Prochazka
Aerolink General Manager
April 2010
Date


Cheryl Prochazka
Aerolink Human Resources Manager
April 2010
Date

*Certificate of
Appreciation
To*

Badwal, Bimal Kaur

*In recognition of 15 year (s) of faithful and devoted
service to the Parking and Shuttle Bus Concession at
Ronald Reagan Washington National Airport.*

Heck Toelke
AeroLink General Manager *July 2008*
Date

Joe Melus
AeroLink Department Manager *July 2008*
Date

Safety Award

Presented To

Badwal, Bimal Kaur

***In Grateful Appreciation For Your Excellent Safety Performance
Accident Free Season 2008***

***This Certificate Is Awarded By
Aerolink Transportation***


Aerolink General Manager

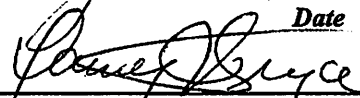
July 2008

Date


AeroLink Department Manager

July 2008

Date


AeroLink Human Resources Manager

July 2008

Date

Aerolink Transportation Certificate of Training

Badwal, Bimal Kumar

*Has successfully completed (2) hours of
Customer Service Seminar.*

Heard Trelease
Aerolink General Manager
Date Feb 2008

Patricia Sosa
Aerolink Human Resources Manager
Date Feb 2008

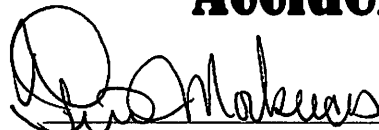
AeroLink Transportation Safety Award

Presented to

BIMAL BADWAL

In grateful appreciation for your excellent safety performance.

Accident Free Season 2007



AeroLink Transportation Department Manager

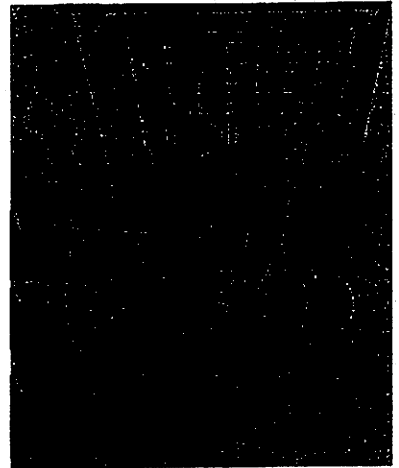
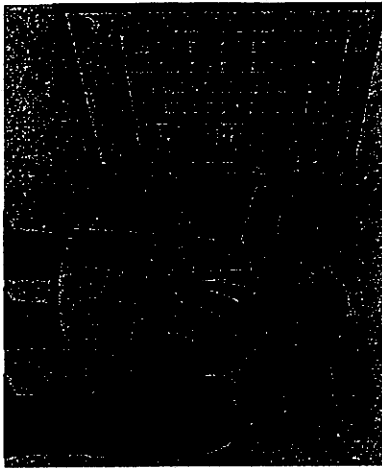
June 2007
Date



AeroLink Transportation General Manager

June 2007
Date

SAFETY AWARD

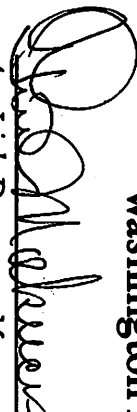


Certificate of Appreciation


This certificate is awarded to

BIMAL BADWAL

In recognition of 14 years of faithful and devoted service to
the Parking and Shuttle Bus Concession at Ronald Reagan
Washington National Airport.



Geraldine Department Manager
Date June 9, 2007



Geraldine General Manager
Date June 9, 2007

Certificate of

APPRECIATION

To

Bimal Badwal

*In recognition of 12 years of faithful and devoted
service to the Parking and Shuttle Bus Concession at
Ronald Reagan Washington National Airport*

Heck Tealage

Aerolink General Manager

July 2005
Date

Donnelly

Aerolink Department Manager

July 2005
Date



Safety Award

Presented To

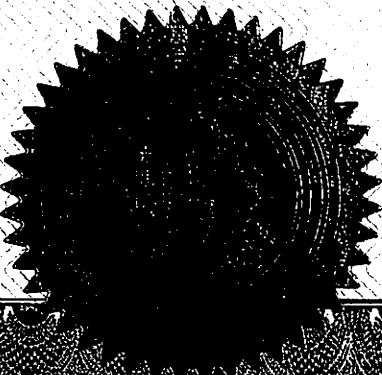
Bimal Badwal

*In Grateful Appreciation For Your Excellent Safety Performance
Accident Free Season 2005*

*This Certificate Is Awarded By
Aerolink Transportation*

Heath Trebeck
Aerolink General Manager
Date July 2005


Debra Malone
Aerolink Department Manager
Date July 2005



AeroLink Transportation Certificate of Training

Bimal Badwal

***Has Successfully Completed (8) Hours Seminar on the
Principles of Supervision, Communication & Conflict
Management Techniques, EEO and EAP.***


AeroLink General Manager April 2003
Date

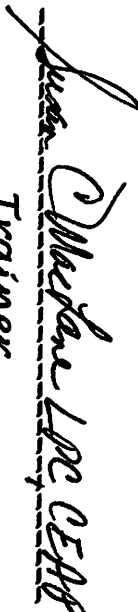

AeroLink Human Resources Manager April 2003
Date

Certificate of Completion

Bimal Baidya

Has successfully completed (2) hours of training
on:
Drug Free Workplace, Reasonable Suspicion, and DOT
Regulations.

Sponsored by: Aerolink Transportation
May 18, 2000


Susan Maclean LDC CEH
Trainer
MerringerCare Systems of VA

Aerolink Transportation

STAFF EMPLOYEE OF THE MONTH

December 2003

Bimal Badwal

*In recognition of your cooperative spirit and contributions
to the fulfillment of our company's goals.*

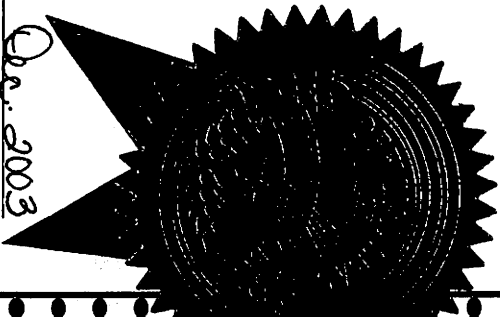
Executive Committee Member

Car Mack

Dec. 2003
Date

Heidi Trelage
General Manager
Date
Dec. 2003

Debra M. Brown
Department Manager
Date
Dec. 2003



Certificate of Completion

Bimal Baidyal

*Has successfully completed (2) hours of training
on:
Drug Free Workplace, Reasonable Suspicion, and DOT
Regulations.*

*Sponsored by: Aerolink Transportation
May 18, 2000*

Juan Chedane LPE CEH
Trainer
MerringerCare Systems of VA

To: Alan W. Anderson,
Deputy Director
Washington Field Office
131 M Street, N.E.
Suite 4NW02F
Washington, DC 20507
U.S. Equal Employment Opportunity Commission

Dear Sir,

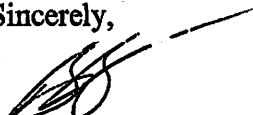
I hereby kindly request you to send me a detailed copy of your investigation regarding my case. I am very much thankful for your timely investigation, as per your advice. It will be very useful for me when I am going to file a case in a local or federal court.

I am further requesting you if you kindly let me know the proper location of the court, local or federal court where I can file my case. Your earliest response would be appreciated.

Thank you very much.

Date 10/28/2016

Sincerely,



Bimal K. Badwal
8520 Silverdale Rd.
Lorton, VA 22079
EEOC charge No.
570-2016-02274

DISMISSAL AND NOTICE OF RIGHTS

To: **Bimal K. Badwal**
8520 Silverdale Road
Lorton, VA 22079

From: **Washington Field Office**
131 M Street, N.E.
Suite 4NW02F
Washington, DC 20507

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

570-2016-02274

Alan W. Anderson,
Deputy Director

(202) 419-0756

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

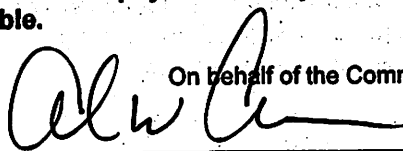
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission

FOR



Mindy E. Weinstein,
Acting Director

OCT 18 2016

(Date Mailed)

Enclosures(s)

cc: [redacted] (b)(6), (b)(7)(C)

ABM PARKING/FIVE STAR U STREET PARKING,
LLC
Ronald Reagan National Airport
2401 Smith Blvd
Arlington, VA 22202

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 -- not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

570-2016-02274

Arlington Human Rights Commission

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Ms. Bimal K. Badwal

Home Phone (Incl. Area Code)

(703) 984-9568

Date of Birth

09-1966

Street Address

City, State and ZIP Code

8520 Silverdale Road, Lorton, VA 22079

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

ABM PARKING/FIVE STAR U STREET PARKING, LLC

No. Employees, Members

101 - 200

Phone No. (Include Area Code)

(703) 417-4306

Street Address

City, State and ZIP Code

Ronald Reagan National Airport, 2401 Smith Blvd, Arlington, VA 22202

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



GENETIC INFORMATION



OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

09-07-2016**09-07-2016**

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

In July of 1994, I was employed by ABM Parking Services/Five Star U Street Parking, as a Cashier. At the time of my discharge on September 7, 2016, I held the position of Shift Manager.

On September 7, 2016 I was discharged without notice. I was informed that the reason for my discharge was because the parking garage was being turned over to a car rental company. After 22 years of faithful service and excellent performance, the decision to terminate me unexpectedly was callous and unfair. As I was the only female shift manager at that particular garage, I was the only female Shift Manager fired. In addition, the severance package offered to me was for the amount of \$4,108. It is my firm belief that this amount is not fair or justifiable.

I believe I have been discriminated against on the basis of my Race (Asian) in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Oct 13, 2016

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

FEPA

EEOC

570-2016-02274

Arlington Human Rights Commission

and EEOC

State or local Agency, if any

I believe I have been discriminated against on the basis of my Sex (Female) in violation of Title VII of the Civil Rights Act of 1964, as amended.

I believe I have been discriminated against on the basis of my Age in violation of The Age Discrimination Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Oct 13, 2016

Date

Charging Party Signature

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SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)